

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

KEVONE R.,

Claimant,

v.

REGIONAL CENTER OF THE EAST
BAY,

Service Agency.

OAH No. 2010120027

In the Matter of:

DEKISHA S.,

Claimant,

v.

REGIONAL CENTER OF THE EAST
BAY,

Service Agency.

OAH No. 2010120029

DECISION

Administrative Law Judge Steven C. Owyang, State of California, Office of Administrative Hearings, heard these consolidated matters in Concord, California, on February 1 and 4, 2011.

Claimants Kevone R. and DeKisha S. were represented by Gloria D. Gloria D. is the grandmother of Kevone R. and the mother of DeKisha S.

Attorney Pamela Higgins represented the service agency, Regional Center of the East Bay (RCEB).

The matter was submitted for decision on February 4, 2011.

ISSUE

Is RCEB required to provide services to claimants from its San Leandro office instead of its Concord office?

FACTUAL FINDINGS

1. Claimants Kevone R., a minor, and his mother DeKisha S., an adult, are eligible for and receive services from RCEB. Some documents in the record identify Kevone R. as Kei'Vone R.

2. Claimants' fair hearing request originally included another issue, which was continued childcare services for both claimants with separate providers. At the February 1, 2011, hearing, however, claimants submitted a letter withdrawing that issue and instead requesting that childcare not continue after February 15, 2011. Thus, the provision of childcare is no longer at issue in this matter.

3. Claimants live with Gloria D. in Brentwood, California, in eastern Contra Costa County, within the service area of RCEB's Concord office.

4. Over time, Gloria D. has become dissatisfied with the services provided by some of RCEB's Concord office staff. She does not get along with the case manager currently assigned to DeKisha S. There have been difficulties and a lack of trust between some of the Concord staff and Gloria D. as they tried to verify her employment status and the status of a business Gloria D. is starting. Gloria D. feels the relationship between her and the Concord staff (with some exceptions) is "toxic."

5. Shirley O'Biamo is a member of RCEB's Concord office staff and was DeKisha S.'s case manager until DeKisha "aged out" of O'Biamo's caseload. (O'Biamo primarily works with teenagers.) O'Biamo and Gloria D. have a good working relationship. In O'Biamo's view, RCEB has not treated Gloria D. or claimants unfairly.

6. RCEB's Concord office serves Contra Costa County, including the Brentwood area where claimants reside. RCEB's Concord staff is familiar with local service providers in its service area.

7. RCEB recently relocated its Oakland office to San Leandro, California, in Alameda County. Although now located in San Leandro, it is sometimes still referred to as RCEB's "Oakland office." The San Leandro office serves Alameda County. The San Leandro staff is not particularly familiar with service providers in eastern Contra Costa

County. It would be impractical and time consuming for San Leandro staff to travel to eastern Contra Costa County to meet with claimants and service providers.

8. RCEB's Concord and San Leandro offices provide the same kinds of services and employ the same procedures and standards in their respective service areas.

LEGAL CONCLUSIONS

Claimants did not establish that RCEB is required to provide services to them from its San Leandro office as opposed to its Concord office. Although Welfare & Institutions Code section 4646 requires RCEB to take into account claimants' needs and preferences, it does not require RCEB to provide services from its San Leandro office when claimants reside outside that office's service area. Claimants cited no other statute or regulation that would impose such a requirement on RCEB.

ORDER

The request of claimants Kevone R. and DeKisha S. that RCEB provide services to them from its San Leandro office instead of its Concord office is denied.

DATED: March 8, 2011

STEVEN C. OWYANG
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative decision in this matter; both parties are bound by this decision. Either party may appeal this decision to a court of competent jurisdiction within 90 days.